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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,112	02/06/2004	Yoshinobu Shibayama	B422-256	8382

26272 7590 04/05/2007  
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NEW YORK, NY 10036

EXAMINER
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QUIETT, CARRAMAH J

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/774,112

Applicant(s)

SHIBAYAMA, YOSHINOBU

Examiner

Carramah J. Quiett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Specification*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 1-6** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 recites the limitation " wherein said signal processing unit and said recording unit are disposed in *different housings*" in lines 11-12 on page 17 of the Claims. There is insufficient antecedent basis for this limitation in the claim. Which housings is the applicant referring to? Are the units disposed in housings different from the first housing and the second housing?

6. Claim 4 recites the limitation " wherein said signal processing unit and said recording unit are disposed in *different housings*" in lines 11-12 on page 18 of the Claims. There is insufficient antecedent basis for this limitation in the claim. Which housings is the applicant

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referring to? Are the units disposed in housings different from the first housing and the second housing?

### *Claim Objections*

7. **Claims 2-3 and 5-6** are objected to because of the following informalities:

Each of **claims 2-3**, recite the inter alia, “*An* image recording apparatus according to...”

Claims 2-3 are each dependent on claim 1. Therefore, please change for each of claims 2-3 to, “*The* image recording apparatus according to...” Appropriate correction is required.

Each of **claims 5-6**, recite the inter alia, “*An* image pickup apparatus according to...”

Claims 5-6 are each dependent on claim 4. Therefore, please change for each of claims 5-6 to, “*The* image pickup apparatus according to...” Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmori (U.S. Pat. #5,790,193 – herein referred to as Ohmori) in view of Applicant Admitted Prior Art (herein referred to as AAPA).

For **claim 1**, Ohmori discloses an image recording apparatus (figs. 1, 2, 6 and 7) comprising:

a signal processing (fig. 6/fig. 7, ref. 10) unit for processing an image signal (col. 4, lines 1-34; col. 4, line 35 – col. 5, line 41);

a recording unit (fig. 7, refs. 20, 26, 58, 59, 80/ refs. 10, 40) for recording data;

a display unit (fig. 7, ref. 81) for displaying the image signal (col. 4, line 35 – col. 5, line 41);

and

a connection unit (fig. 1, refs. 22, 24, 24a) for rotatively connecting a first housing and a second housing (col. 3, lines 9-19),

wherein said signal processing unit and said recording unit are disposed in different housings (col. 4, lines 1-34; col. 4, line 35 – col. 5, line 41).

However, Ohmori does not expressly teach recording data by heating a recording medium. In a similar field of endeavor, AAPA teaches recording data by heating a recording medium (Specification, page 1, lines 17-25). In light of the teaching of AAPA, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify recording unit of Ohmori to record data by heating a recording medium in order to provide another means for saving image data thereby various methods for retrieving the data.

For **claim 2**, Ohmori, as modified by AAPA, discloses the image recording apparatus wherein said display unit and said signal processing unit are disposed in said first housing and said recording unit is disposed in said second housing (col. 4, lines 1-34; col. 4, line 35 – col. 5, line 41).

For **claim 3**, Ohmori, as modified by AAPA, discloses the image recording apparatus wherein said display unit and said recording unit are disposed in said first housing and said

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signal processing unit is disposed in said second housing (col. 4, lines 1-34; col. 4, line 35 – col. 5, line 41).

For **claim 4**, Ohmori discloses an image pickup apparatus (figs. 1, 2, 6 and 7) comprising:

a camera unit (fig. 6/fig. 7, ref. 12) for picking up an image of an object (col. 4, lines 1-365);

a signal processing unit (fig. 7, ref. 10) for processing an image signal output from said camera unit (col. 4, line 35 – col. 5, line 41);

a recording unit (fig. 7, refs. 20, 26, 58, 59, 80/ refs. 10, 40) for recording data;

a display (fig. 7, ref. 81) unit for displaying the image signal (col. 4, line 35 – col. 5, line 41);

and

a connection unit (fig. 1, refs. 22, 24, 24a) for rotatively connecting a first housing (ref. 12) and a second housing (ref. 10) (col. 3, lines 9-19),

wherein said signal processing unit and said recording unit are disposed in different housings (col. 4, lines 1-34; col. 4, line 35 – col. 5, line 41).

However, Ohmori does not expressly teach recording data by heating a recording medium. In a similar field of endeavor, AAPA teaches recording data by heating a recording medium (Specification, page 1, lines 17-25). In light of the teaching of AAPA, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify recording unit of Ohmori to record data by heating a recording medium in order to provide another means for saving image data thereby various methods for retrieving the data.

For **claim 5**, Ohmori, as modified by AAPA, discloses the image pickup apparatus wherein said display unit and said signal processing unit are disposed in said first housing and said camera unit and said recording unit are disposed in said second housing (col. 4, lines 1-34; col. 4, line 35 – col. 5, line 41).

For **claim 6**, Ohmori, as modified by AAPA, discloses the image pickup apparatus wherein said display unit and said recording unit are disposed in said first housing and said camera unit and said signal processing unit are disposed in said second housing (col. 4, lines 1-34; col. 4, line 35 – col. 5, line 41).

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Abe et al. (U.S. Pat. #6,356,709)	Image recording device with a recording unit including a laser light illuminated on the magneto-optical disc.
Okada et al. (U.S. Pat. #6,727,954)	An electronic camera provided with a rotating mechanism.
Fuchimukai et al. (U.S. Pat. #6,741,287)	An electronic camera includes a camera body having a photographic optical system and a detachable monitor device.
Ota (U.S. Pat. #6,643,459)	An electronic camera with a main body and a rotatable display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

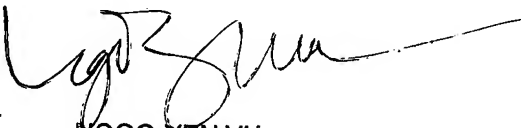
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CJQ

March 31, 2007

  
NGOC-YEN VU  
SUPERVISORY PATENT EXAMINER